

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN THE MATTER OF:

HI TECH FLEET SERVICE, INC.,

Debtor.

Chapter 7

Case. No. 03-70655-MBM

Honorable Marci B. McIvor

Civil Case No. 05-CV-74736

Honorable Patrick J. Duggan

ORDER DENYING MOTION FOR RECONSIDERATION

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan on April 10, 2006

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

On December 14, 2005, Richard A. Sands, acting in *pro per*, filed an appeal from a December 2, 2005 Order and a January 3, 2006 Order of the Bankruptcy Court. On March 30, 2006, this Court affirmed the findings of the Bankruptcy Court and dismissed Sands's appeal. Presently before the Court is Sands's Motion for Rehearing and Reconsideration, filed on April 5, 2006.

Motions for reconsideration are governed by Eastern District of Michigan Local Rule 7.1(g)(3) which provides:

(3) Grounds. Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

Thus, the Court will grant a motion for reconsideration if the moving party shows: (1) a “palpable defect,” (2) that the defect misled the Court and the parties, and (3) that correcting the defect will result in a different disposition of the case. *Sundberg v. Keller Ladder*, 189 F. Supp. 2d 671, 674 (E.D. Mich. 2002). A palpable defect is one which is obvious, clear, unmistakable, manifest, or plain. *Fleck v. Titan Tire Corp.*, 177 F. Supp. 2d 605, 624 (E.D. Mich. 2001).

In his motion, Sands merely presents the same issues ruled upon by the Court in its March 30, 2006 Order. Consequently, Sands has failed to allege any palpable defect by which the Court and the parties have been misled as required by E.D. MICH. L.R. 7.1(g)(3).

Accordingly,

IT IS ORDERED that Sands’s Motion for Rehearing and Reconsideration is **DENIED**.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

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